

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WP(C).No. 8216 of 2007(C)

PETITIONER:

**MR.M.M.ALI,PROPRIETOR OF M/S.ANSAR
INDUSTRIES, MOOKKADA HOUSE,,MEKALADY, KALADY P.O
ERNAKULAM 683 574.**

BY ADV. SRI.S.R.DAYANANDA PRABHU

RESPONDENTS:

- 1. KERALA FINANCIAL CORPORATION,BRANCH
OFFICE,IST FLOOR,FINANCE TOWER,KALOOR,ERNAKULAM
682017.**
- 2. DY.TAHSILDAR (RR),KERALA FINANCIAL
CORPORATION,ERNAKULAM 682 017.**
- 3. DISTRICT COLLECTOR,CIVIL STATION,
KAKKANAD,ERNAKULAM.**

BY ADV. SRI.M.M.SAYED MUHAMMED, SC, KFC

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF LETTER DTD. 28/08/2006 ISSUED BY FIRST RESPONDENT IN FAVOUR OF PETITIONER.**
- EXT.P2: COPY OF LETTER DTD. 16/01/2007 ISSUED BY FIRST RESPONDENT IN FAVOUR OF PETITIONER.**
- EXT.P3: COPY OF LETTER DTD. 17/01/2007 ISSUED BY THE FIRST RESPONDENT IN FAVOUR OF THIRD RESPONDENT.**
- EXT.P4: COPY OF LETTER DTD. 18/01/2007 ISSUED BY THE PETITIONER IN FAVOUR OF FIRST RESPONDENT.**
- EXT.P5: COPY OF NO OBJECTION CERTIFICATE DTD. 18/01/2007 ISSUED BY GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, ERNAKULAM.**
- EXT.P6: COPY OF LETTER DTD. 1/02/2007 ISSUED BY SECOND RESPONDENT IN FAVOUR OF THIRD RESPONDENT.**

/TRUE COPY/

KSS

K.BALAKRISHNAN NAIR,J.

WP(C)NO.8216 OF 2007-C

Judgment

The petitioner paid the amounts due to the 1st respondent KFC under the one-time-settlement scheme directly to it. It is true, the payment was made after the initiation of the revenue recovery proceedings. The point that arises for decision in this case is whether the petitioner is liable to pay collection charges for the amount he has directly paid to the KFC. The said point is covered by several decisions of this Court, including the one in ***Bhaskaran v. Sub Registrar*** (2005(3) KLT 150). The Government Circular No.43972/H3/2005/RD dated 04.11.2005 also says that collection charges need not be levied in relation to payments directly made to financial institutions under the one-time-settlement scheme. Collection charges can be levied only in relation to amounts that are collected through the revenue recovery machinery. So, the said circular also supports the claim of the petitioner. In the result, it is declared that the State is not liable to get any amount from the KFC towards collection charges for the amount paid by the petitioner directly to it. Therefore, without insisting for payment of collection charges for the amounts directly paid to it, the KFC shall release the title deeds of the petitioner on production of a copy of this Judgment.

The Writ Petition is disposed of as above.

04.04.2007

K.BALAKRISHNAN NAIR,JUDGE

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